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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/656,663	09/07/2000	Joseph E. Kaminkow	0112300/012	1991

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EXAMINER

JONES, SCOTT E

ART UNIT

PAPER NUMBER

3713

DATE MAILED: 06/05/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/656,663

Applicant(s)

KAMINKOW ET AL.

Examiner

Scott E. Jones

Art Unit

3713

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 March 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 34-130 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 65-68, 116 and 117 is/are allowed.
- 6) ☒ Claim(s) 34-64, 69-115 and 118-130 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 March 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. This office action is in response to the amendment filed on March 13, 2002 in which Applicants cancel claims 1-33, add new claims 34-130, and respond to the claim rejections.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 34-49, 53-61, 74-88, 92-100, 104-110, 113-114, 119-125, and 128 are rejected under 35 U.S.C. 102(b) as being anticipated by Beall et al.

Beall et al. (U.S. 4,974,857) discloses an electronic gaming device (electronic dart board game) capable of being played by sight impaired persons adapted to audibly guide the player through the complex game including audibly and visually including the status of the game and the score of each player. Also, when a player misses the dartboard, there is no associated sound effect generated from the game machine (Abstract, Column 2, lines 7-20, Column 3, lines 29-33, Column 3, lines 64-66, Column 4, lines 1-7, Column 4, lines 31-37, Column 4, lines 49-64, Column 5, lines 11-22, and Figures 1A-1B, 4-6).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

Art Unit: 3713

having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 50-52, 62-64, 69-73, 89-91, 101-103, 111-112, 115, 118, 126-127, and 129-130 rejected under 35 U.S.C. 103(a) as being unpatentable over Beall et al.

Beall et al. discloses that as discussed above regarding Claims 34-49, 53-61, 74-88, 92-100, 104-110, 113-114, 119-125, and 128. Beall et al. (U.S. 4,974,857) seems to lack explicitly disclosing a processor for causing selection of the target/non-target/pitfall/non-pitfall, causing the speaker to generate a first sound effect randomly chosen from the sound effects when the target/non-target/pitfall/non-pitfall is selected, and causing the speaker to generated different sound effect randomly chosen from the sound effects each time one of the target/non-target/pitfall/non-pitfall is selected.

However, to one having ordinary skill in the art at the time of Applicants' invention it would have been obvious to have a plurality of sound effects for each target/non-target/pitfall/non-pitfall. For example, if the target or non-pitfall is the bulls eye the processor can be programmed to generate the following messages:

- bulls eye
- great shot
- excellent

Furthermore, if the non-target or pitfall is missing the dartboard completely the processor can be programmed to generate the following message when a player presses the next player turn button:

- sorry, better luck next time
- good try

Art Unit: 3713

- terrible shot

It would have been obvious to one having ordinary skill in the art, at the time of the applicant's invention, to provide a plurality of audible messages for each target/non-target/pitfall/non-pitfall in Beall et al. Doing so provides multiple messages to disclose the status and score of a game to a game player keeping the game from being monotonous.

Allowable Subject Matter

6. Claims 65-68, and 116-117 seem to be allowable over the prior art of record.

Response to Arguments

7. Applicants' arguments with respect to claims 1-33 have been considered but are moot in view of the new ground(s) of rejection and the cancellation of the claims.

8. The examiner maintains that Ishibashi (U.S. 5,695,188) reads on the claims as originally disclosed in the specification.

Conclusion

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

Art Unit: 3713

however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott E. Jones whose telephone number is (703) 308-7133. The examiner can normally be reached on Monday - Friday, 8:30 A.M. - 5:30 P.M..


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Valencia Martin-Wallace can be reached on (703) 308-4119. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9302 for regular communications and (703) 872-9303 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.

Scott E. Jones
Examiner
Art Unit 3713

SEJ

sej
May 28, 2002


VALENCIA MARTIN-WALLACE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700